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HOUSE BILL 695

43RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1997

INTRODUCED BY

BEN LUJAN

AN ACT

RELATING TO LABOR LAW; AMENDING SECTION 50-4-22 NMSA 1978 (BEING LAWS 1955, CHAPTER 200, SECTION 3, AS AMENDED) TO RAISE THE MINIMUM WAGE; DECLARING AN EMERGENCY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 50-4-22 NMSA 1978 (being Laws 1955, Chapter 200, Section 3, as amended) is amended to read:

"50-4-22. MINIMUM WAGES. --

A. Every employer, except as otherwise provided in [~~Section 50-4-21 NMSA 1978~~] the Minimum Wage Act, shall pay the minimum wage rate [~~of \$4.25 an hour~~] pursuant to the provisions of the federal Fair Labor Standards Act of 1938, as amended (29 U.S.C. 206), excepting that an employer furnishing food, utilities, supplies or housing to an employee who is engaged in agriculture may deduct the reasonable value of such furnished

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1 items from any wages due to the employee.

2 B. All employees covered by Subsection A of this  
3 section who customarily and regularly receive more than thirty  
4 dollars (\$30.00) a month in tips shall be paid a minimum hourly  
5 wage of [~~two dollars twelve and one-half cents (\$2.125)~~] fifty  
6 percent of the minimum wage as provided in Subsection A of this  
7 section. The employer may consider tips as part of wages, but  
8 such a wage credit shall not exceed fifty percent of the minimum  
9 wage. All tips received by such employees shall be retained by  
10 the employee, except that nothing [~~herein~~] in this section shall  
11 prohibit the pooling of tips among employees.

12 C. No employee covered by the provisions of  
13 Subsection A of this section shall be required to work more than  
14 forty hours in any week of seven days, unless he is paid one and  
15 one-half times his regular hourly rate of pay for all hours  
16 worked in excess of forty hours. "

17 Section 2. EMERGENCY. --It is necessary for the public  
18 peace, health and safety that this act take effect immediately.

**State of New Mexico  
House of Representatives**

FORTY-THIRD LEGISLATURE  
FIRST SESSION, 1997

February 25, 1997

Mr. Speaker:

Your LABOR AND HUMAN RESOURCES COMMITTEE, to  
whom has been referred

HOUSE BILLS 487 AND 695

has had them under consideration and reports same with  
recommendation that they DO NOT PASS, but that

HOUSE LABOR AND HUMAN RESOURCES COMMITTEE  
SUBSTITUTE FOR HOUSE BILLS 487 AND 695

DO PASS, and thence referred to the BUSINESS AND  
INDUSTRY COMMITTEE.

**FORTY-THIRD LEGISLATURE  
FIRST SESSION, 1997**

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Respectfully submitted,

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Rick Miera, Chairman

Adopted \_\_\_\_\_ Not Adopted \_\_\_\_\_

(Chief Clerk)

(Chief Clerk)

Date \_\_\_\_\_

The roll call vote was 7 For 0 Against

Yes: 7

Excused: Roberts

Absent: None

M \H0695

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~~[bracketed material] = delete~~